

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SVETLANA LOKHOVA,)
)
Plaintiff,)
)
v.) 1:20cv1603 (LMB/WEF)
)
STEFAN A. HALPER,)
)
Defendant.)

ORDER

On September 12, 2022, the Court received a package containing an unsigned letter and an unsigned two-page document purporting to be from plaintiff and purporting to explain why she failed to appear at her deposition and failed to respond to appropriate court-ordered discovery. The package was shipped from London via DHL on September 7, 2022.

Neither document bears a signature or any other indicia of reliability. Moreover, except for the specific medical condition described—which the Court will redact—the request that the explanation be kept under seal is an inappropriate request given that court proceedings are intended to be as open and public as possible. Ashcraft v. Conoco, Inc., 218 F.3d 288 (4th Cir. 2000). In addition, because our legal system is an adversarial system, in only the rarest of circumstances will a party be permitted to file information with the Court without opposing counsel receiving a copy.

The explanation references plaintiff's cooperation with an investigation by Special Counsel John Durham as an alleged impediment to her compliance with discovery. If the Special Counsel had any concerns about the scope of discovery at issue in this litigation, he could have intervened; however, that has not happened.

For all of these reasons, it is hereby

ORDERED that the Clerk file the unredacted two-page explanation under seal to prevent disclosure of the medical issue it describes and file the redacted version in the Court's public records; and it is further

ORDERED that the materials received today do not satisfy the Show Cause Order emailed to plaintiff on September 9, 2022 [Dkt. No. 108] because they were not signed under the penalty of perjury, are not notarized, and were not accompanied by reliable documentary evidence to support the assertion that plaintiff's medical condition affected her compliance with discovery in this civil action.

The Clerk is directed to forward copies of this Order to counsel of record for defendant and to plaintiff, pro se, via email to lokhova@me.com. The Clerk is further directed to send plaintiff an E-noticing Registration Request Form so that she can begin receiving notices of filings via the Court's electronic filing system if she wishes.

Entered this 13th day of September, 2022.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge